IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) NO.484 OF 2003
IN
COMPANY PETITION NO.681 OF 2003

Mayteg Udyog Investment & Trading Co.Pvt.Ltd. (formerly) now known as Mayteg Udyog Pvt.Ltd. ....Appellant

V/s.

Jayshree R. Maniar & Ors. ....Respondents

None for the Appellant.

Mr.H.V. Chande for the Respondents.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 11TH JANUARY, 2005.

P.C. :

1. The Applicant and his advocate are absent.

2. Heard the advocate for the Respondents. Perused the records including the order of the learned single Judge.

3. Company Petition has been filed under Sections 433, 434 and 439 of the Companies Act. The case of the Respondents is that a loan of Rs.1.00 lacs was advanced to the Appellant. In repayment of that

loan, two cheques were issued, but both the cheques were bounced. Again eight cheques were issued in January, 2001 for repayment of that loan. Out of these eight cheques, the amount of only three cheques could be realised. No reply was given to the statutory notice. The defence of the Appellant that an amount of Rs.24,920/- was paid on 19.9.2000 in full and final settlement of the claim was held to be incapable of being believed. In the circumstances, the learned single Judge rightly admitted the Petition. Appeal is dismissed.

4. The learned counsel appearing for the Respondents informs the Court that another winding up petition has been admitted and that Petition has been advertised. The advertisement in the present Petition is therefore dispensed with.